

ENTERED

July 10, 2023

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LARRY WARD

VS

BENTHIC USA LLC, *et al*§
§
§
§
§

CIVIL ACTION NO. H: 22-2974

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Plaintiff's Motion to Remand this case to the 125th Judicial District of Harris County, Texas (Doc. No. 16); Defendants' Response (Doc. No. 23); Plaintiff's Reply (Doc. No. 24); and Judge Sheldon's Memorandum and Recommendation (Doc. No. 39) that the Court grant the Motion to Remand be denied. Plaintiff filed objections (Doc. No. 42) to Judge Sheldon's Memorandum and Recommendation and Defendants filed a Response to Plaintiff's objections (Doc. No. 44).

The Court has carefully reviewed, *de novo*, the filings, the applicable law, the Magistrate Judge's Memorandum and Recommendation, and the objections and response thereto, and agrees with the Magistrate Judge's conclusion that removal of Plaintiff's claim does not disturb any balance between federal and state judicial responsibilities because the common law questions that require resolution are properly before this court on the basis of diversity jurisdiction. Accordingly, it is hereby

ORDERED that Plaintiff's Objections (Doc. No. 42) are **OVERRULED**; the Memorandum and Recommendation (Doc. No. 39) is **ADOPTED**; and Plaintiff's Motion to Remand this case to the 125th Judicial District of Harris County, Texas (Doc. No. 16) is **DENIED**.

SIGNED at Houston, Texas, this 7th day of July 2023.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE